

# L A W S

OF HIS MAJESTY

K A M E H A M E H A III.,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

NOBLES AND REPRESENTATIVES

AT THEIR SESSION;

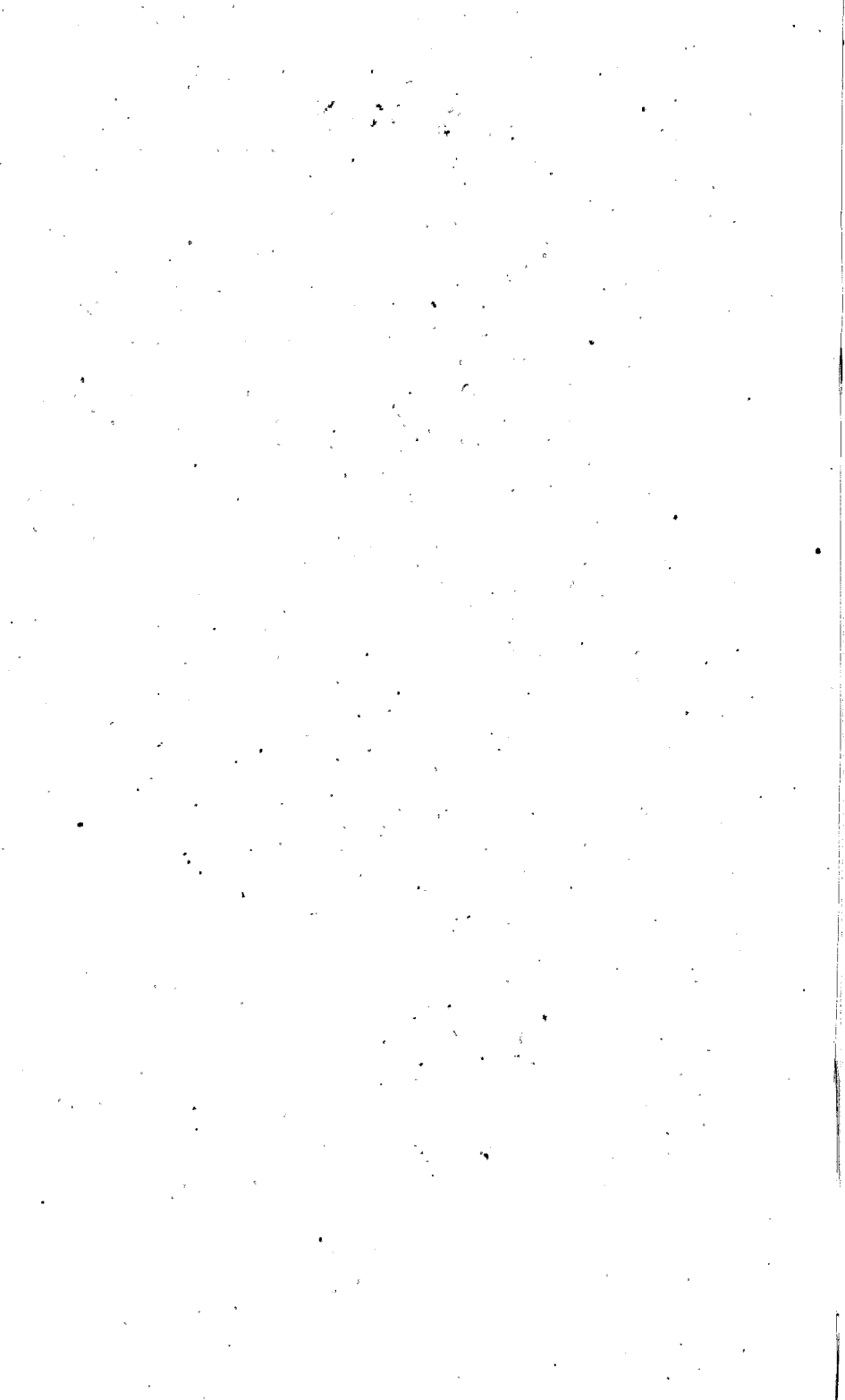
1853.



H O N O L U L U :

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1853.



# SESSION LAWS.

1853.

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## AN ACT

RELATING TO THE JUDICIARY DEPARTMENT.

*Approved May 26th, 1853.*

BE IT ENACTED *by the King, the Premier and Nobles, resident near His Majesty:*

SECTION 1. The Supreme Court, from and after the first Monday of December, in the year of our Lord one thousand eight hundred and fifty-two, shall consist of a Chief Justice and two Associate Justices, any of whom may hold the Court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal on impeachment; and shall receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2. Said Supreme Court shall have jurisdiction in all cases in law or equity, in all cases affecting Ambassadors, other Public Ministers and Consuls, and in all admiralty and maritime cases, whether the same be brought before it by original writ, by appeal or otherwise. It shall also have all the powers, and exercise all the jurisdiction belonging to either the Supreme or Superior Court, as at present constituted, in all cases, legal or equitable, civil or criminal.

SECTION 3. All cases, matters or controversies; of whatever nature, which may be pending in the Superior Court, or the Supreme Court, as at present constituted, on the first Monday of December, in the year of our Lord one thousand eight hundred and fifty-two, shall be immediately transferred to the Supreme Court, provided for in this Act, and be therein determined.

SECTION 4. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom, and shall have power at Chambers to decree the foreclosure of mortgages, to grant divorces, to issue process in, and to hear and determine all probate matters, and all cases in bankruptcy, admiralty or equity, subject however, to an appeal to the full Court. Moreover, the Chief Justice and two Associate Justices of the Supreme Court shall respectively have all the powers at Chambers conferred by present laws upon the Chief Justice and Associate Justice of the Superior Court.

SECTION 5. The Supreme Court shall have the general superintendence of all courts of inferior jurisdiction, to prevent and correct errors and abuses therein, where no other remedy is expressly provided by law.

SECTION 6. Said Court, or the Chief Justice thereof at Chambers, shall have the power to issue writs of error, certiorari, mandamus, prohibition and quo warranto, and all other writs and processes, to courts of inferior jurisdiction, to corporations and individuals, that shall be necessary to the furtherance of justice and the regular execution of the laws.

SECTION 7. Said Court shall have power to make and award all such judgments, decrees, orders and injunctions, to issue all such executions and other writs and processes, and to do all such other acts as may be necessary or proper, to carry into full effect, all the powers, which are or may be given to it by the Constitution and laws of the Kingdom.

SECTION 8. It shall have power from time to time, to make rules for regulating the practice and conducting the business of the Court, in all cases not expressly provided by law; and thereafter to revise said rules so often as it may be found wise and necessary to simplify said practice and remedy any abuses or imperfections that may be found to exist therein.

SECTION 9. When any question of law shall arise in any trial or other proceeding, either of a civil or criminal nature, at law or in equity, before the said Court, when held by one Justice, he may reserve the same for the consideration of the full Court, and shall report

the case, or so much thereof as may be necessary for a full understanding of the question, to his associates.

SECTION 10. Any case may be reserved in like manner, upon the motion of either party, for a new trial, on account of any opinion, direction or order of the Justice in any matter of law.

SECTION 11. If any party shall think himself aggrieved by any such opinion, direction or order of the Court, and the Justice shall not think fit to reserve the case upon his motion, the party may allege exceptions to such opinion, direction or order, and the same being reduced to writing in a summary mode, and presented to the Justice before the final adjournment of the Court for the term, and being found conformable to truth, shall be allowed and signed by the Justice.

SECTION 12. Upon the allowance of such exceptions the questions arising thereon shall be considered by the full Court. If, however, the exceptions shall appear to the Justice, before whom the trial is held, to be frivolous, immaterial, or intended for delay, the judgment shall be entered, and execution awarded or stayed, on such terms as the Court shall deem reasonable, notwithstanding the allowance of the exceptions.

SECTION 13. When upon the hearing of a case, brought before the Court upon exceptions alleged as before provided, it shall appear that the exceptions are frivolous or immaterial, or were intended for delay, the Court may award against the party taking the exceptions, double costs from the time when the same were alleged, and also interest from the same time, at the rate of twenty per cent. per annum, on the sum, if any, found due for debt or damages; or may award any part of such additional costs and interest which they may deem proper.

SECTION 14. When judgment shall have been rendered in any case, in which exceptions have been allowed, the judgment may be vacated by full Court, without any writ of error, in like manner, as if it had been entered by mistake, and order such further proceedings in the case as to law and justice shall appertain.

SECTION 15. No trial by Jury shall be prevented or delayed by the

filing or allowance of such exceptions, but the verdict shall be received and such further proceedings shall be held in the case as the Court may order, in pursuance of the foregoing provisions.

SECTION 16. There shall be four several terms of the Supreme Court held in each year, commencing as follows, viz: on the first Mondays of January, April, July and October; which said terms shall respectively be called the January, April, July and October terms of the said Court. The Court may, however, hold special terms at other times, whenever it shall deem it essential to the promotion of justice.

SECTION 17. The four regular terms shall be held at the Court House in the city of Honolulu. Provided always, that the King may, in case he shall deem it requisite, by reason of war, pestilence or other public calamity, or the danger thereof, order the same to be held at a different place, and it shall be so held, until the order is revoked or a new place appointed. The several terms may be continued, and held for the period of four weeks from the commencement thereof.

SECTION 18. When neither of the Justices of the Court is present at the time and place for holding a Court, it shall be the duty of the Clerk of said Court to adjourn the same from day to day, until one of the Justices shall attend, or until an order in writing shall be received from one of them respecting such adjournment.

SECTION 19. In case of the absence or sickness of the Chief Justice, or of a vacancy in that office, all the duties thereof, both at Chambers and in banco, shall be performed, during such absence, sickness or vacancy, by the Senior Justice, or such other Justice as the King may appoint for the time.

SECTION 20. The Chief Justice of the Supreme Court shall receive an annual salary of five thousand dollars, and each of the Associate Justices shall receive an annual salary of two thousand dollars, and the said salaries shall be paid in monthly payments, out of the Treasury of the Kingdom.

#### OF THE CLERK OF THE SUPREME COURT.

SECTION 21. The Clerk of the Supreme Court shall be appointed

by the Justices thereof, and hold his office during their pleasure. He shall have charge of the seals of the Court, which shall be impressed on all process of said Court. He shall have power to issue process in all suits and matters brought before the Supreme Court, or before the Chief Justice or any Associate Justice thereof at Chambers. He shall also have power to administer oaths, to take the deposition of witnesses, to assess damages upon notes, bonds, bills of exchange, orders and other liquidated obligations in all cases in which default shall have been made, and all other powers and duties in relation to the drawing of jurors, and in all other matters which pertain to the office of the Clerk of the Superior Court, and are necessary to the proper transaction of the business of the Supreme Court.

SECTION 22. He shall be sworn to the faithful discharge of all the duties of his office, by one of the Justices of the Supreme Court; and before entering on the performance of such duties, shall give a bond to the Minister of Finance, to be approved by the Chief Justice, in the sum of one thousand dollars, with one or more sufficient sureties, conditioned for the faithful discharge of all his official duties.

SECTION 23. He shall attend and record the proceedings of the Court, and have the care and custody of all the records, books and papers, appertaining to his office, and filed or deposited therein.

SECTION 24. In equity, admiralty or maritime cases, and in all matters heard before any Justice at Chambers, the Clerk shall record at length such part only of the proceedings as shall be directed by the Court, either by general rules or by a special order of one of the Justices in any particular case.

SECTION 25. He shall keep in every book of records an alphabetical list of all the names of all parties to any suit or judgment therein recorded, with a reference to the page where it is recorded; and when there are several persons, either plaintiffs or defendants, the name of every person, with a like reference, shall be inserted in its appropriate place in said list.

SECTION 26. The Justices of the Court shall inspect the doings of the Clerk, from time to time, and see that the records are made up

seasonably, and kept in good order; and if the records are left incomplete for more than twelve months at any one time, such neglect, unless caused by sickness or other good reason, shall be adjudged a forfeiture of the Clerk's bond.

SECTION 27. The Clerk shall exhibit the records of his office at every January term to the Justices, and at such other times as the same may be required by any Justice, so that the Court may have notice of any errors or defects in the keeping of the records, and may cause the same to be corrected.

SECTION 28. In case of the death of the Clerk or his absence from any Court which he is required to attend, the Court shall appoint a Clerk pro tempore, to act as Clerk of the Court, until the standing Clerk shall resume the discharge of his duties, or until another shall be appointed by the Court.

SECTION 29. Such temporary Clerk shall be sworn to the faithful discharge of his duties; and he shall receive for his services such compensation as the Court shall think proper, to be paid either from the appropriation for the standing Clerk or from the Public Treasury, as the Court may direct.

SECTION 30. All Clerks of Courts shall keep exact accounts of all costs and fees received by them in their respective offices; and they shall render quarterly accounts of the same to the Minister of Finance.

SECTION 31. The Clerk of the Supreme Court shall receive an annual salary of fifteen hundred dollars, which shall be paid in monthly payments out of the Treasury of the Kingdom.

#### OF THE CIRCUIT COURTS.

SECTION 32. The Kingdom shall continue to be divided into four Judicial Districts or Circuits, as at present constituted, that is to say:

The first district shall consist of the island of Oahu, whose seat of justice shall be at Honolulu:

The second district shall consist of the islands of Maui, Molokai, Lanai and Kahoolawe, whose seat of justice shall be at Lahaina, on the island of Maui:



The third district shall consist of the island of Hawaii, whose seat of justice shall be at Hilo:

The fourth district shall consist of the islands of Kauai and Niihau, whose seat of justice shall be at Nawiliwili, on the island Kauai.

SECTION 33. The terms of the Circuit Courts shall be held at the times and places at present appointed by law; and the proceedings therein shall continue to be those already prescribed.

SECTION 34. The several Circuit Courts shall continue to have all the powers and exercise the jurisdiction which belong to the Circuit Courts at the present time, together with all additions or limitations that may be created or imposed by the Constitution and laws of the Kingdom.

SECTION 35. The Circuit Judges shall have power in their respective districts to try all appeals made to them by any party from the decision of any District or Police Justice within their jurisdiction; and shall possess all the powers and exercise all the jurisdiction that now belong to the Local Circuit Judges at Chambers or in banco.

SECTION 36. It shall be the duty of one of the Justices of the Supreme Court to attend and preside over each term of the Circuit Courts; and the expenses of any Justice of the Supreme Court, in attending, holding and returning from any such Courts, shall be paid from the annual appropriation for the expenses of said Courts.

SECTION 37. If one of the Justices of the Supreme Court shall fail to attend any Circuit Court at the time at which it is appointed to be held, the Sheriff or some Circuit Judge shall open the Court and adjourn the same, from day to-day, and if the said Justice shall not attend before ten o'clock of the third day, such Circuit Judge or Sheriff shall adjourn the Court without day.

SECTION 38. All persons bound to appear at any Circuit Court, which shall have failed, as mentioned in the last section, shall be bound to appear at the next term of said Court.

SECTION 39. The Clerks of the several Circuit Courts shall be appointed by the Justices of the Supreme Court, and hold their offices during their pleasure. They shall severally have the charge of the

seals of their respective Courts, and shall have power to issue all writs and processes required by the practice of their respective Courts.

SECTION 40. The said Clerks shall attend all the said Courts held in their respective circuits, and record their proceedings, and shall have the care and custody of all records, books and papers, appertaining to their respective offices, and filed and deposited therein.

SECTION 41. The Clerks of the several Circuit Courts shall each be sworn to the faithful discharge of their duties, and give a bond to the Minister of Finance, to be approved by the Chief Justice of the Supreme Court, in the sum of five hundred dollars, with one or more sufficient sureties, conditioned for the faithful discharge of his official duties.

SECTION 42. Each Circuit Court Clerk shall keep an exact account of all fees and costs received by him, and shall quarterly render a faithful account of the same to the Minister of Finance.

SECTION 43. In keeping their records, they shall be governed by the rules prescribed in this Act for the Clerk of the Supreme Court.

SECTION 44. The present Clerks of the Circuit Courts shall continue in office until others are appointed in their stead.

SECTION 45. The seals of the several Circuit Courts shall be those already devised and now in use by said Courts.

SECTION 46. Each Circuit Judge, when there is only one in a Circuit, shall receive an annual salary of fifteen hundred dollars, and shall make a regular tour of his Circuit at least twice every year for the trial of appeals at Chambers; and each Circuit Judge, when there is more than one in the circuit for which he is appointed, shall receive an annual salary of eight hundred dollars; which salaries shall be paid by monthly payments out of the Treasury of the Kingdom.

#### OF THE POLICE AND DISTRICT JUSTICES' COURTS.

SECTION 47. The Police and District Justices Courts shall continue as at present constituted, and shall have all the powers they now possess, and be subject to all the duties and obligations now resting upon them, with all additions and limitations imposed by the Constitution.

## APPEALS.

SECTION 48. All appeals from any decision of the Board of Commissioners to Quiet Land Titles, and all appeals from any Circuit, Police or District Justices Court that may now be taken to either the Supreme or Superior Court under existing laws, shall hereafter lie and be taken to the Supreme Court provided for in this Act, subject to the rules prescribed therefor in the present Statutes. Provided always, that no appeal shall be taken from any Circuit Court to the Supreme Court, unless on questions of law.

SECTION 49. In all cases of appeal from any decision of the Board of Commissioners to Quiet Land Titles, on any question of fact, the parties shall be entitled to have the same tried by a jury, chosen as in other cases tried before the Court. Provided always, that whenever a jury shall fail to agree on a verdict on any such appeal on the first trial, the decision of the Board of Commissioners shall be confirmed unless the Court shall be unanimously of the opinion that a new trial should be granted. When a new trial shall be granted and a verdict is not agreed upon by the second jury, there shall be no further trial, and the decision of the Board of Commissioners shall stand confirmed.

SECTION 50. In the trial of any appeal from the Board of Commissioners to Quiet Land Titles, all the evidence taken before said Board shall be read to the Court and jury, and either party may submit such additional evidence, to the Court and jury as may be legal and proper.

## OF THE TRIAL BY JURY.

SECTION 51. All the provisions of existing Statutes in reference to jurors and the trial by jury shall continue in force and be applicable to the Supreme and Circuit Courts provided for in this Act, not only as to the selection and drawing of jurors, but in every other respect.

## GENERAL PROVISIONS.

SECTION 52. The Minister of Finance is hereby authorized to pay all salaries and expenses provided for in this Act, out of the Treasury of the Kingdom, and the same are hereby appropriated. The appropriations now made for the salaries of the Justices and Clerk of the Superior Court shall cease from the day of the appointment of the

Justices and Clerk of the Supreme Court provided for in this Act, but the appropriations for the present Judges of the Supreme Court, viz: one hundred dollars each, shall continue and be paid until the expiration of their year.

SECTION 53. All the balance of appropriation for expenses of the Superior Court shall be drawn for by the Clerk of the Supreme Court and appropriated to the expenses of the Supreme Court provided for in this Act; and all appropriations for the expenses of the Circuit Court for the first judicial district, and stationery, shall be drawn by the Clerk of the Supreme Court and be by him disbursed.

SECTION 54. This Act shall take effect from and after the first Monday of December, eighteen hundred and fifty-two, and continue in force until approved or annulled by the Legislature.

Done at the Palace, this third day of December, A. D. 1852.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE LAW  
RELATIVE TO PASSPORTS," PASSED ON THE 24th JUNE, 1852.

*Approved May 26th, 1853.*

BE IT ENACTED, *by the King, the Premier and Chiefs, resident near  
His Majesty:*

That the following be added to the 3d section of the said act, viz:

Provided always, that in all cases in which any Collector of Customs shall have refused and withheld a passport from any person on the ground of an alleged indebtedness to, or implication in any pending suit with any private person or persons, it shall be lawful for such Collector of Customs, upon the filing with him or his deputy of a sufficient bond with sureties in a sufficient amount at his discretion, by the party, from whom such passport shall be withheld, conditioned to abide the result of any suit or trial, and to pay the amount of any judgments rendered against him at suit of the party or parties at whose instance such passport shall have been withheld, to issue such passport to such party requiring the same.

This Act shall take effect on the day of its passage.

Done and passed at the Palace, in Honolulu, this third day of December, A. D. 1852.

## AMENDMENT TO THE APPROPRIATION BILL.

*Approved May 26th, 1853.*

WHEREAS, by the Appropriation Bill approved on the fifteenth day of July, A. D. 1852, it is provided that the Minister of Finance shall not allow or cause to be paid out of the Treasury any monies for any other objects or in any greater amounts than are provided in said Act, until after the passage of a new bill of appropriations, and whereas a contingency has happened in the destruction of a Government office, and may again happen before the next regular meeting of the Legislature, rendering it necessary that the several Departments of the Government should expend money not now appropriated to carry on the Government and fulfil its obligations:

BE IT ENACTED, *by the King, the Premier and Nobles resident near His Majesty:*

SECTION 1. That twenty thousand dollars are hereby appropriated out of any monies in the Treasury, and hereby set apart as a contingent fund, to meet and pay, as far as may be required, the necessary expenses of the Government, not provided for in the appropriation bill approved on the 15th July, 1852.

SECTION 2. That it shall be lawful for the several Ministers of the Hawaiian Government, for the purpose of faithfully discharging the duties of their Departments and fulfilling the obligations of the Government, to make drafts on the Minister of Finance for such monies as they may think just and right, to be paid out of the contingent fund appropriated by the first section of this Act, in which they shall state the object to which the same is to be applied; and the Minister of Finance is hereby authorized and empowered to pay said drafts, provided the same are hereby approved by the Auditor of Accounts as just and right.

SECTION 3. This Act shall take effect from the day of its passage, and continue in force until approved or annulled by the Legislature.

Done and passed at the Palace, this third day of Dec., A. D. 1852.

## AN ACT

TO AMEND AN ACT TO REGULATE THE TONNAGE DUES AND OTHER CHARGES ON MERCHANT AND WHALING VESSELS.

*Approved May 26th, 1853.*

BE IT ENACTED, *by the King, the Premier and Nobles resident near His Majesty:*

SECTION 1. That section third and section seventh of, "An Act to regulate the tonnage dues and other charges on merchant and whaling vessels, passed July 6th, 1852, be and is hereby amended by striking out, whenever it occurs in said sections, "or passengers."

SECTION 2. This Act shall take effect from the date of its passage.

Done at the Palace, this 20th day of September, A. D. 1852.

## AN ACT

TO AMEND "JOINT RESOLUTION TO ENCOURAGE THE VISITS OF WHALERS," PASSED JUNE 15th, 1847.

*Approved May 26th, 1853.*

BE IT ENACTED, *by the King, the Premier and Nobles resident near His Majesty:*

SECTION 1. That section eighth of "Joint Resolution to Encourage the Visits of Whalers," passed the fifteenth day of June, eighteen hundred and forty-seven, be and the same is hereby repealed.

SECTION 2. This Act shall take effect from and after its passage.

Done at the Palace, this 20th day of September, A. D. 1853.



## AN ACT

TO AUTHORIZE THE MINISTER OF FINANCE TO PAY CERTAIN SUMS IN ANTICIPATION OF THE GENERAL APPROPRIATION BILL FOR 1853.

*Approved May 23d, 1853.*

WHEREAS, no provision was made by the Legislature of 1852, for the support of His Majesty's Privy Purse or Royal State, after the 31st of March, 1853, and whereas His Majesty's dignity and comfort may be endangered by any delay to make such provision:

Therefore—

BE IT ENACTED, *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That the Minister of Finance be instructed to pay out of the Treasury, in anticipation of the General Appropriation Bill for 1853, and until June 30th, 1853, the sum of eight hundred and thirty-three and one-third dollars, monthly, on account of His Majesty's Privy Purse, and the further sum of three hundred and thirty-three and one-third dollars, monthly, on account of His Majesty's Royal State.

## AN ACT

## TO INCREASE THE IMPORT DUTIES OF CERTAIN KINDS OF MERCHANDISE.

*Approved May 24th, 1853.*

BE IT ENACTED, *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That there shall be levied on all goods, wares and merchandise imported into this Kingdom, from any port in China or the Phillipine Islands, a duty of fifteen per cent. *ad valorem* upon the invoice cost thereof; provided, however that no more than five per cent. duty shall be levied on the article of Rice, and further provided that this shall not be construed into a repeal of any part of "An Act levying specific duties on sugars, syrups of sugar and coffee, passed June 6th, 1852.

SECTION 2. The increase of duties provided for in the first section of this Act, shall not affect goods, wares or merchandize, which are the growth or manufacture of any foreign country having a treaty with this Kingdom.

SECTION 3. In order to prove that any goods, wares or merchandize, imported into this Kingdom, from any of the ports of China or the Phillipine Islands, are the growth or manufacture of some other country having a treaty with this Kingdom, it shall be necessary for the person entering the same at the Custom House, to present to the Collector of Customs a certificate to that effect from the resident Hawaiian Consul, or in default of such Consul, from the Consul or Commercial Agent of such other country, at the port in China or the Phillipine Islands, from whence such goods, wares or merchandize shall have been brought to this Kingdom; and the person entering the same at the Custom House, shall make oath that such goods,

wares or merchandize are not the growth or manufacture of China or the Phillipine Islands, to the best of his knowledge and belief.

SECTION 4. This Act shall take effect at the expiration of six months from the date of its publication in the Polynesian newspaper.

## AN ACT

TO CONSTITUTE A BOARD OF COMMISSIONERS TO ERECT JAILS  
ON THE ISLAND OF OAHU.

*Approved May 26th, 1853.*

BE IT ENACTED, by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. The Minister of the Interior, with the consent of the King in Privy Council, shall appoint three Commissioners to erect Jails or Prisons on the Island of Oahu, who shall serve without pay.

SECTION 2. The Minister of the Interior, with the consent of the King and Privy Council, as above, shall fill up all vacancies that may occur, by death, resignation or otherwise.

SECTION 3. The Commissioners shall select and procure suitable sites for two jails, the one for male convicts, the other for female convicts, to be situated on the Island of Oahu, and not less than one mile apart, and they shall cause to be erected thereon, with as little delay as possible, such buildings and enclosures, as they shall deem necessary for the safe keeping, correction and employment of the convicts.

SECTION 4. The Commissioners shall, if they deem it necessary, cause to be erected, in some central spot in the town of Honolulu, a lockup for the temporary detention of deserters from ships, and of parties awaiting examination before any of the courts.

SECTION 5. The Commissioners, or any two of them, are authorized, in the performance of the duties prescribed in the 2d, 3d and 4th sections of this act, in the name of the Minister of the Interior, for the Government, to purchase the real estate necessary for the jail sites, to advertise for plans, specifications and proposals, and to make contracts for the supply of materials and labor for the execution of the whole, or any part of the work.

SECTION 6. The Commissioners, or any two of them are further authorized to draw upon the Minister of the Interior for any sums that are necessary to the performance of the duties imposed upon them by this Act; provided, that the aggregate of these sums do not exceed the amount which may have been appropriated by the Legislature for the erection of jails on the Island of Oahu.

SECTION 7. The Commissioners shall on or before the 31st of December in each year, present to the Minister of the Interior, a report of their proceedings, with a full account of their receipts and expenditures.

SECTION 8. So much of sections 1st and 2d of the "Act relating to Prisons, their Government and Discipline," approved 4th August, 1851, as relates to the erection of Jails on the Island of Oahu, is hereby repealed.

SECTION 9. This Act shall take effect from and after the date of its passage.

## AN ACT

RELATING TO THE SEARCHING OF SHIPS FOR DESERTERS.

*Approved May 26th, 1853.*

BE IT ENACTED, *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. It shall be lawful for any Marshal, Sheriff or other Police Officer to search foreign vessels in any port of this Kingdom, for deserters, without a warrant, on producing to the commanding officer of the vessel they wish to search, their commission or appointment as Police Officer; provided, that nothing in this section shall be so construed, as to apply to vessels of war, or other vessels commanded by officers bearing the Commissions of Foreign States, and not subject to search by the law and usage of nations.

SECTION 2. The commanding officer of any vessel, who shall refuse such Police Officer access to the vessel, or to any part of the same; after producing his commission or appointment, shall be subject to a fine of not exceeding twenty-five dollars.

SECTION 3. This act shall take effect from and after the day of its passage.

## AN ACT

RELATING TO MUTINY AND SEDITION ON BOARD OF FOREIGN VESSELS WHILST IN ANY PORT OF THE HAWAIIAN ISLANDS.

*Approved May 26th, 1853.*

WHEREAS, acts of mutiny on board foreign vessels visiting the ports of the Hawaiian Islands frequently occur, and whereas, the existing laws make no provision for the arrest of such mutineers and their detention:

Therefore—

BE IT ENACTED, *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. Upon written application made to the Marshal, any of his Sheriffs or their Deputies, by any Foreign Consul, Vice Consul or Commercial Agent, residing in this Kingdom, requesting the arrest of any mutinous person or persons on board of any vessel of their nation, being within the jurisdiction of this Kingdom, it shall be lawful for such Marshal, Sheriff or Deputy Sheriff, to proceed on board such vessel, and to arrest any person or persons named or described in such application; provided, the same shall set forth, that such Consul, Vice Consul or Commercial Agent, will indemnify the Marshal, Sheriff or Deputy Sheriff, for all damages which may accrue to him from said proceeding, and by the detention of such prisoners, and said Foreign Agent will pay all fees and costs connected therewith.

SECTION 2. It shall be lawful for the Marshal, Sheriff or Deputy Sheriff, to detain such arrested mutineer or mutineers in prison, until called for by the Foreign Agent who caused their arrest.

SECTION 3. This act shall take effect from and after the day of its passage.

## AN ACT

TO REGULATE THE NUMBER OF THE REPRESENTATIVES OF THE PEOPLE.

*Approved May 26th, 1853.*

WHEREAS, by the 76th article of the Constitution, it is made the duty of the Legislature, at stated times, to regulate the Representatives of the people:

Therefore—

BE IT ENACTED, by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That, in future, the Islands of Molokai and Lanai shall form one Election District, to be called the District of Molokai.

SECTION 2. That in future, the Island of Niihau shall form a part of the Election District of Kona, (from Nualolo to Hanapepe) on the Island of Kauai.

SECTION 3. That, hereafter, the District of Kona on the Island of Hawaii, shall form two Election Districts, viz: from Keahualono on Puohao, to be called the District of North Kona; from Puohao to Kaheawai, to be called the District of South Kona.

SECTION 4. That from the year 1854, till the year 1859, both inclusive, the number of the Representatives of the people in the Legislature shall be as follows, viz:

For the Island of Hawaii, eight, that is to say,

One for the District of North Kona.

“ “ “ “ South Kona.

“ “ “ “ “ Kau.

“ “ “ “ “ Puna.

Two “ “ “ “ Hilo.

One “ “ “ “ Hamakua.

“ “ “ “ “ Kohala.



For the Island of Maui, six, that is to say:

Two for the District of Lahaina, Olowalu, Ukumehame and Kahoolawe.

One for the District of Kahakuloa and Kaanapali.

One from Waihee to Honuaula.

“ “ Kahikinui to Koolau.

“ “ Hamakualoa to Kula.

For the District of Molokai, two.

For the Island of Oahu, eight, that is to say:

Four from Maunaloa to Moanalua, inclusive.

One for the District of Ewa and Waianae.

“ “ “ “ Waialua.

“ “ “ “ Koolauloa.

“ “ “ “ Koolaupoko.

For the Island of Kauai, three, that is to say:

One from Nualolo to Hanapepe inclusive, (including Niihau.)

One from Wahiawa to Wailua.

One from Kapaa to Awaawapuhi.

SECTION 5. The Minister of Public Instruction shall cause five hundred copies of this Act, to be printed in the Hawaiian language, and circulated throughout the Kingdom, in the month of November, 1853.

SECTION 6. This act shall take effect from after the day of its passage.

## AN ACT

RELATING TO THE BOARD OF COMMISSIONERS TO QUIET LAND  
TITLES:

*Approved May 26th, 1853.*

BE IT ENACTED, *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That all claimants of land within this Kingdom, who have entered their claims with the Board of Commissioners to Quiet Land Titles, and who shall not have appeared before the said Board and proved their several claims, previous to the first day of May, A. D. 1854, shall be forever barred from proving the same; and the said Board of Commissioners are hereby authorized and required to give due notice of this act, through the Polynesian and Elele newspapers, and to deal with all outstanding land claimants accordingly.

## AN ACT

FOR THE RELIEF OF THE MINISTER OF THE INTERIOR.

*Approved May 26th, 1853.*

BE IT ENACTED, by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:

That His Highness, Keoni Ana, His Majesty's Minister of the Interior, shall be, and is hereby released from all responsibility and obligation of re-imbursing to His Majesty's Treasury, the losses which have arisen, or may arise, to the same, from the insolvency of the estate of the late Alfred W. Parsons.

AN ACT  
TO ABOLISH NEWSPAPER LICENSE.

*Approved May 26th, 1853.*

WHEREAS, the License at present required, for the publication of Newspapers and Periodicals, is opposed to the spirit of the third article of the Constitution:

Therefore—

BE IT ENACTED, *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That article sixth of "Newspapers and Periodicals," of chapter second, part first of an act entitled "An Act to Organize the Executive Departments of the Hawaiian Islands," passed April 27th, 1846, be, and the same is, hereby repealed.

AN ACT  
RELATING TO WHALERS' PERMITS.

*Approved May 26th, 1853.*

BE IT ENACTED, *by the King, the Nobles, and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION I. That section XVII of article I, chapter I, part II, of the 2d act Kamehameha III, including the two forms of Whalers' Permits, be, and the same is, hereby repealed, and the following Section and form of Permit substituted in its stead.

Every whaler that shall have been duly entered at the Collector's office, have delivered all the necessary papers, and paid the legal charges due upon such entry, shall be entitled to demand and receive from the Collector, a permit to trade or barter goods or supplies, excepting spirituous liquors, to the amount of twelve hundred dollars, original invoice value, two hundred dollars of which, shall be free of duties, without being subjected to any charge for tonnage or harbor dues. Said permit shall be in the following words:

WHALERS' PERMIT

TO LAND MERCHANTIZE.

Office of Collector of Customs, \_\_\_\_\_, H. I.

Marks.	No.	Packages and Contents. Quantities to be Specified.	Value per Invoice.

Permission is hereby given to \_\_\_\_\_ Captain of the \_\_\_\_\_ whaler, to land from said vessel, goods or supplies, excepting spirituous liquors, as above

named, the same being entered according to their marks, numbers and actual cost, delivered on board as per original invoice.

N. B.—Oil and bone valued as follows:

Sperm oil           , Whale oil           , Bone

All articles to be landed on this permit must be entered upon it *with ink*, and the value carried out before leaving the vessel.

To which shall be added the following deposition:

I,                   Master of the                   Port of                   H. I.  
do depose on oath that I have  
not exceeded the value of           dollar in trade or barter with the inhabitants  
of this port or its jurisdiction, since my entry on the           day of  
18           , and I have not landed or allowed to be landed from my said vessel,  
any goods or supplies other than what is included in this permit.

Subscribed and sworn to before me this           day of           18           , Collector.

SECTION 2. This act shall take effect on the thirtieth day after its passage, and all laws, or parts of laws, in contravention of this act, shall be, and the same are, hereby repealed.

## AN ACT

TO AMEND THE LAWS RELATING TO PUBLIC AUCTIONEERS.

*Approved June 16th, 1853.*

BE IT ENACTED, *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That all officers of His Majesty's Government who are required or allowed, by law, to dispose of any Government property, shall be, and are hereby authorized to cause the same to be disposed of at public auction, without the intervention of a licensed auctioneer, excepting such property as may be required to be sold in Honolulu or Lahaina; provided, that no commissions shall be allowed or paid to the agents employed by such officer, for effecting such sale at auction, other than would have been allowed or paid them, in case of their having disposed of the same at private sale; provided, moreover, that no such government agent shall buy either for himself or for any relation of his, or through another for himself, any Government property so exposed for sale, under penalty of double the value of the price at which he may have sold such property.

SECTION 2. That public notice of such sale shall be posted up, in the native and English languages, throughout the district in which such property is situated and also in Honolulu, and such public notice shall be inserted in the Polynesian newspaper and Elele Hawaii, at least thirty days previous to the day of sale.

SECTION 3. This act shall take effect from and after the day of its passage.

AN ACT  
RELATING TO CORAL AND SAND.

*Approved June 16th, 1853.*

WHEREAS, the present law prohibiting the free use of coral and sand is a burden upon the people without any corresponding benefit to the Exchequer:

Therefore—

BE IT ENACTED, *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That, hereafter, the Government reefs shall be free, for the use of the people. Whoever, being a Hawaiian subject, shall desire coral or sand from the Government reefs and lands, may freely take the same, either for his own use or for sale or exportation; provided, that this act shall not apply to the Government domain in Honolulu, Oahu, or Lahaina, Maui.

SECTION 2. That so much of section 2, article 1, chapter 7 of part 1st of an "Act to organize the Executive Department," as constitutes the taking of coral and sand, a trespass, is hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its passage.



AN ACT  
REPEALING CERTAIN LAWS.

*Approved, June.16th, 1853.*

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 43, 44, 45, 47, 48, 49, 51, 52, 53, 54 and 55, and all other parts of the old laws, entitled "Laws of the Hawaiian Islands," be, and the same are hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its passage.

## AN ACT

TO PREVENT JUDICIAL OFFICERS FROM ACTING AS COUNSEL OR ATTORNEYS IN SUITS TRIED BEFORE THEM.

*Approved, June 16th, 1853.*

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. No person shall be employed, nor allowed to appear as counsel or attorney before any court, in any suit, which shall have been previously determined, before himself, as a Judge or Justice.

SECTION 2. This act shall take effect from and after its passage.

## AN ACT

PROVIDING FOR THE TRIAL OF DIFFERENT DEGREES OF CERTAIN OFFENSES UNDER ONE INDICTMENT.

*Approved, June 16th, 1853.*

BE IT ENACTED *by the King, the Nobles, and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. Under an indictment for robbery, larceny or any other offense, of more than one degree, the Jury may, when the evidence will not warrant a verdict of guilty in the degree for which the prisoner is indicted, return a verdict for any lesser degree of the same offense.

SECTION 2. This Act shall take effect from the day of its passage.

AN ACT  
RELATING TO THE SECRETARY AT WAR.

*Approved, June 16th, 1853.*

BE IT ENACTED by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:

SECTION 1. That section 4 of chapter 2, part 2, of an Act entitled an "Act to organize the Executive Departments of the Hawaiian Islands," and other laws and parts of laws, conferring the duties, or any part of the duties of Secretary at War and of the Navy upon any one of His Majesty's Ministers, *ex officio*, shall be, and the same are hereby repealed; and His Majesty may, in his discretion, by special commission, confer the duties of said office upon any one of His Cabinet Ministers, or upon any other person, as He may judge best, for the good of His service; provided that such Secretary at War shall not be entitled to receive any additional pay for his services as such.

SECTION 2. This act shall take effect from and after the date of its passage.

AN ACT,  
RELATING TO THE ROAD TAX.

*Approved, June 16th, 1853.*

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the labor tax on roads, bridges, and the like public works, shall be, and is hereby reduced, from twelve to six days' labor annually; Provided that eight hours' labor shall be considered a full day's work.

SECTION 2. It shall be optional with any person liable to the road tax, to commute for the same, in advance, when first called upon by the road supervisor or his deputy, by paying him the sum of two dollars:

SECTION 3. Every male inhabitant of the kingdom between the ages of sixteen and fifty years, shall be, and is hereby declared to be liable to the road labor tax.

SECTION 4. The following persons alone shall be exempt from the road labor tax, viz: His Majesty the King; all diplomatic agents of foreign powers; all clergymen and school teachers actually employed; also all regular soldiers and their officers; all firemen legally organized; all insane persons and cripples: and all persons incapable of labor by reason of long sickness.

SECTION 5. That the people, at the time and place fixed for the election of Representatives to sit in Legislative Council, shall elect by ballot, in the same manner that the representatives are elected, a road Supervisor, in each of their respective districts, who shall hold his office for one year from the date of his election; provided always, that in case of the death or resignation of any Supervisor so elected, a new election shall be held as before.

SECTION 6. The road Supervisors, within their respective districts, shall have the direction of the public labor, on roads, bridges and all

public highways, but shall lay out no new road, or shut up any old road, without first calling a meeting of those persons, who are subject to the road tax, in their respective districts, by giving five days public notice of the time and place of said meeting, and taking their voice on the propriety of the measure. This voice, whether for or against the measure proposed, shall be obeyed.

SECTION 7. The said Supervisors shall collect and disburse all road taxes within their respective districts; and no portion of said tax shall be expended in any other district, except with the consent of the people of the district, expressed in public meeting, called as provided in the preceding section.

SECTION 8. The road Supervisors may appoint deputies for their respective districts, not exceeding one for every fifty taxable persons in the district, whose only compensation shall be exemption from the road labor tax.

SECTION 9. Every road Supervisor shall, on the 31st day of December of each year, render to the Minister of the Interior, in writing a detailed report of his transactions during the year preceding, stating at least, the number of persons liable to the road tax in his district; the number of days worked by them the amount of cash received, as commutation; the amount of tax still due; the amount of cash on hand at the commencement of the year; the amount expended, and the amount on hand; the number and condition of government tools on hand, and the number of days of his own personal service.

SECTION 10. The road Supervisors, upon rendering such report, shall receive such compensation, as the Minister of the Interior may deem just, out of the monies appropriated for that purpose, by the Legislature.

SECTION 11. All monies appropriated by the Legislature for the roads of the respective districts, shall be drawn from the treasury by the Minister of the Interior, and expended by the road supervisors under his general direction.

SECTION 12. Any road Supervisor, who shall fraudulently free any person, from road labor, not exempted by law, or who shall not work the persons liable to the road tax, the full number of days and hours prescribed in this act, shall on conviction thereof before any District

Justice, be fined five dollars for each such offense; all such fines to be expended as part of the road tax of such district.

SECTION 13. The said Supervisors within their respective districts, shall have power to sue for, and collect by execution, all road taxes unpaid on the last day of October.

SECTION 14. It shall not be lawful for any road Supervisor, to compel the people of any neighborhood to go more than five miles beyond their residence, to labor on any road, unless by a vote of the people of the district expressed in public meeting, called as hereinbefore provided in section 6.

SECTION 15. The road Supervisors, in case of indolence, disorderly or mutinous conduct, on the part of the workmen, shall have power to authorize and require any constable, to apprehend any delinquent, and take him before any district justice, who shall, unless good cause be shown to the contrary, sentence such delinquent to hard labor, not more than five days.

SECTION 16. It shall be lawful for the several Supervisors, to commute for the labor tax on roads, with all persons employed by the month or year, or with their employers, either to complete a certain amount of work on the road, or to work by the day, with carts, plows, or other implements, as may be agreed upon as a commutation for the road tax, of all his laborers liable to this tax.

SECTION 17. It shall be the duty of each road Supervisor, to surrender to his successor in office, on or before the 15th day of January, all accounts and other papers relating to the office, and all monies which he may have on hand, arising from the commutations, and other sources, together with all implements belonging to the government, which may be in his possession.

SECTION 18. Upon a written complaint being brought before the inspectors of elections of any district, signed by at least fifty of the inhabitants of said district, setting forth that their road Supervisor is guilty of a breach of the law, specifying the particular charges against such Supervisor, it shall be the duty of said inspector of elections to give such complaint a hearing, and upon proper cause being shown, to dismiss said Supervisor from office, and to order a new election of a road Supervisor, at least ten days previous to the day of election.

SECTION 19. It shall be the duty of every man liable to the labor tax for the roads, to appear punctually at the time appointed, with suit-

able implements for the work, and to work diligently, as directed by the Supervisor, otherwise he shall be liable to the penalty hereinbefore provided in Section 15.

SECTION 20. Should any person find it inconvenient to work on the roads, as aforesaid in person, at the time appointed, he may employ a substitute, or he shall pay to the Supervisor, fifty cents for each day on which he fails to work, as directed by the Supervisor.

SECTION 21. Every person who is liable to the road tax, shall be liable to the labor tax on roads, in the district where he is found on the labor day appointed by the road Supervisor, for that District, unless he be provided with a certificate from some Road Supervisor, that he has already performed his labor, or paid his commutation for the current year, in some other district.

SECTION 22. In laying out any new road, or planning any bridge, as provided in section 6, respect shall be had to the private vested rights of property which any private individual may have in the land over which said road shall be intended to pass, and over which any such bridge shall be intended to extend. It shall be the duty of the Supervisor, immediately after such new road or bridge has been determined upon, as in section 6, to cause notices to be posted along the line of such proposed new road or bridge advertising the fact, and summoning all parties interested therein, to bring forward their claims to the nearest circuit Judge.

SECTION 23. It shall be lawful for the Circuit Judge to appoint a commission of three disinterested persons to assess the value of the private property so to be appropriated to the public use, and also the damages likely to be sustained by the present owner, whose decision shall determine the price to be given by the government for such private property; Provided the owner shall have the right of appeal from the decision of said committee, to a jury of twelve men (with the usual right of objection for cause,) to be empanelled by the circuit Judge, who shall send a certified copy of the decision of said committee, or of said Jury, to the Minister of the Interior, and give a certificate also, to the party in whose favor the verdict was rendered.

SECTION 24. Upon the delivery of said certificate to the party in whose favor the verdict was rendered, the property assessed shall revert to the public use intended, without further conveyance, and the hold-



er of such certificate, shall present the same to the Minister of the Interior, for adjustment, pursuant to the provisions of the succeeding section.

SECTION 25. The Minister of the Interior shall have power to compound with the holder of any such certificate, in any way he may deem most advantageous to the government, by the substitution of other land or other privileges, in lieu of that appropriated for the public good; and he shall also present to the Legislature, annually, a report of such certificates, as he may not have been able to cancel, in the manner above prescribed.

SECTION 26. This act shall take effect on the first day of January, A. D. 1854, and all former acts relating to road taxes, shall be and are hereby repealed.

## AN ACT

PROVIDING SUMMARY PROCEEDINGS TO RECOVER POSSESSION OF LAND IN CERTAIN CASES.

*Approved, July 6th, 1853.*

WHEREAS there is now no way of removing tenants wrongfully in possession of lands, but by the long and tedious process of a suit of ejectment,

Therefore,

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

SEC. 1. When the lessee of any lands or tenements, or any person holding under such lessee, shall hold possession of the demised premises, without right, after the determination of the lease, either by its own limitation or by a notice to quit of at least ten days, the person entitled to the premises may be restored to the possession in the manner hereinafter provided.

SEC. 2. The person entitled to the possession of the premises, may apply to any police or district justice for a writ in the form used for an original summons in common civil actions before such justices, in which the defendant shall be summoned to answer the complaint of the plaintiff, for that the defendant is in the possession of the lands or tenements in question, describing them, which he holds unlawfully, and against the right of the plaintiff, and no other declaration shall be recognized.

SECTION 3. Such summons shall be served either,

1. By delivering to the tenant, to whom it shall be directed, a true copy thereof, and at the same time showing him the original, or,
2. If such tenant be absent from his last or usual place of residence, by leaving a copy thereof at such place, with some person of mature age residing in the premises.

SECTION 4. The summons shall be returnable within such time as

shall appear reasonable to the justice, not less than three nor more than five days, and the suit shall be conducted like other civil actions before such Justices.

SECTION 5. If the defendant shall be defaulted, or if on the trial it shall be proved to the satisfaction of the justice, that the plaintiff is entitled to the possession of the premises, he shall have judgment for the possession thereof and for his costs, and execution shall issue accordingly.

The writ of possession shall issue to the Marshal, or to any sheriff or constable of the city or district where the premises are situated, commanding him to remove all persons from said premises, and to put the plaintiff or his agent into the full possession thereof.

SECTION 6. The officer to whom such warrant for delivering possession shall be directed and delivered, is hereby required to execute the same according to the tenor thereof.

SECTION 7. Whenever a warrant shall be issued as aforesaid for the removal of any tenant, the contract for the use of the premises, if any such exists, and the relation of landlord and tenant between the parties, shall be deemed to be cancelled and annulled.

SECTION 8. The issuing of such warrant of removal shall be stayed in the case of a proceeding for the non-payment of rent, if the person owing such rent, shall, before such warrant be actually issued, pay the rent due, and all the costs and charges of the proceedings; or give such security for the payment thereof, within five days, as shall be satisfactory to the justice or to the plaintiff.

SECTION 9. Any justice before whom a suit may be pending for the recovery of premises may, upon the request of either party, adjourn the hearing of the suit, for the purpose of enabling such party to procure his witnesses when it shall appear to be necessary; but such adjournment shall in no case exceed five days.

SECTION 10. Either party may appeal from the judgment of the justice, at any time within twenty-four hours after the entry of the judgment, to any Circuit Judge, or to the Supreme Court; but the appellant shall, before the allowance of his appeal, file with the justice a bond, with sufficient surety or sureties, to the adverse party, in the sum of one hundred dollars, with condition to prosecute his appeal without delay, and to pay all the costs arising from the appeal, in case the decision of the justice is affirmed.

SECTION 11. When the defendant is proceeded against for the non-payment of rent, and the justice decides that the plaintiff should have possession, the defendant shall not be allowed to keep possession and take his appeal, unless he first gives a bond to the plaintiff, with good and sufficient surety or surties, to pay all rent that may accrue and become due after the appeal; provided it shall be finally determined that the plaintiff was entitled to the possession.

SECTION 12. If any tenant, being in arrear for rent, shall desert the demised premises, and leave the same unoccupied and uncultivated, any police or district justice may, at the request of the landlord, and upon due proof that the premises have been so deserted, by such tenant leaving rent in arrear, go upon and view said premises; and upon being satisfied, upon such view, that the premises have been so deserted, he shall affix a notice in writing upon a conspicuous part of the premises, requiring the tenant to appear and pay the rent due, at some time in the said notice specified, not less than ten nor more than thirty days after the date thereof.

SECTION 13. At the time specified in such notice, the justice shall again view the premises and if the tenant shall appear and pay the rent, or deny that any rent is due to the landlord, all proceedings shall cease. If, upon such second view, the tenant or his agent shall not appear and pay the rent in arrear, or deny that any rent is due, then such justice may put the landlord into possession of the premises; and any demise of the premises, to such tenant, shall from thenceforth become void.

SECTION 14. An appeal from the proceedings of any justice under the last two preceding sections may be taken by the tenant to any Circuit Judge at chambers, or to the Supreme Court, at any time within one month after possession delivered, by serving notice in writing thereof upon such justice, and by giving a bond in the sum of one hundred dollars with good and sufficient sureties, to be approved by the justice, to pay to the landlord all costs of such appeal which may be adjudged against the tenant; and thereupon such justice shall send up a copy of the proceedings had before him within ten days appeal taken, and shall give notice to the landlord of such appeal.

SECTION 15. This act shall take effect from and after its passage.

## AN ACT

PROVIDING FOR THE DIVISION OF THE PROCEEDS OF PROPERTY CONFISCATED OR FORFEITED, AND FINES IMPOSED FOR VIOLATION OF THE REVENUE LAWS.

*Approved, July 6th, 1853.*

BE IT ENACTED by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:

SECTION 1. That the proceeds of all property confiscated and sold according to law, for violation of the revenue laws, after deducting the legal commissions for selling the same, the advertising and all other necessary expenses, shall be paid in to the Collector General of Customs; and also all fines and penalties imposed for violation of the Revenue Laws, after deducting the costs of court.

SECTION 2. The proceeds of all penalties and forfeitures under the revenue laws, after deducting the legal charges and costs as provided in the foregoing section, shall be divided as follows;—one half shall be paid and accounted for by the Collector General of Customs to the Hawaiian Exchequer; one fourth to the person or persons who gave the definite information which led directly to the seizure, or induced the prosecution; and one fourth to the person who made the seizure, or entered the prosecution. If no other person has a claim as informer, then the one making the seizure or entering the prosecution shall be entitled to one half.

SECTION 3. If any person, entitled to a share of the penalty or forfeiture, shall be necessary as a witness on the trial, he may be examined, but in such case his share of the same accrues to the Exchequer.

SECTION 4. Every person having a claim for a share of any penalty or forfeiture shall state the same in writing, upon oath, to the Collector General of Customs within thirty days from the date of the seizure, or from the time when the fine or penalty is imposed, otherwise he shall forfeit his claim.

SECTION 5. The Collector General of Customs shall pay to the several claimants according to their right under the law, of which he shall be the judge, subject to an appeal to the Commissioners of Customs within ten days.

SECTION 6. No officer shall be entitled to any share of a fine or forfeiture for the violation of the revenue laws by virtue of his office, or shall be debarred from recovering a share on account of his office or salary.

SECTION 7. All spirituous liquors, seized and condemned for violation of the revenue laws, shall be sold in bond, and be subject to exportation, or to withdrawal for consumption, upon payment of the legal duties, the same as if they had been legally imported; and the person or persons entitled to a share of the proceeds of the article condemned and sold, on account of having seized the same or given the information which led directly to the seizure, shall receive a share of the duties actually paid on such liquors, in the proportions named in the second section of this act.

SECTION 8. All property other than spirituous liquors, seized and condemned for violation of the revenue laws, shall be sold according to law and without any reference to duties, and the proceeds shall be divided as provided in the second section of this act.

SECTION 9. This act shall be in force from and after the date of its passage, and all laws or parts of laws inconsistent herewith shall be and hereby are repealed.

## AN ACT

## TO LIMIT THE TIME OF COMMENCING PERSONAL ACTIONS.

*Approved, July 6th, 1853:*

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the following actions shall be commenced within six years next after the cause of such action accrued, and not after:

1. Actions for the recovery of any debt founded upon any contract, obligation or liability, excepting such as are brought upon the judgment or decree of some Court of Record.

2. Actions upon judgments rendered in any Court not being a Court of Record.

3. Actions of debt, for arrearages of rent.

4. Actions for trespass upon land.

5. Actions for taking, detaining or injuring any goods or chattels, including actions of replevin.

6. Special actions on the case for criminal conversation, for libels, or for any other injury to the persons or rights of any, except such as are specified in the two next sections.

SECTION 2. The following actions shall be commenced within two years after the cause of action accrued, and not after:

1. Actions for assault and battery.

2. Actions for false imprisonment.

3. Actions for words spoken slandering the character or title of any person.

4. Actions for words spoken whereby special damages are sustained.

5. Actions against the Marshal, sheriffs, or other officers, for the escape of prisoners or upon any liability incurred by them, by the doing any act in their official capacity, or by the omission of any official duty.

SECTION 3. In all actions of debt, account or assumpsit brought to

recover any balance due upon a mutual, open and current account, the cause of action shall be deemed to have accrued, from the time of the last item proved in such account.

SECTION 4. If any person entitled to bring any action in this act specified (excepting actions against the Marshal, sheriffs or other officers) shall, at the time the cause of action accrued be, either,

1. Within the age of twenty years; or
2. Insane; or
3. Imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than his natural life; or,
4. A married woman.

Such person shall be at liberty to bring such actions within the respective times in this act limited, after such disability removed.

SECTION 5. If any person entitled to bring any action in this act specified shall die before the expiration of the time herein limited for the commencement of such suit, if such cause of action shall survive to his representative, his executors or administrators may, after the expiration of such time and within one year after such date, commence such action; but not after that period.

SECTION 6. If at the time when any cause of action specified in this act shall accrue against any person, he shall be out of this kingdom, such action may be commenced within the terms herein respectively limited, after the return of such person into this kingdom; and if, after such cause of action shall have accrued, such person shall depart from and reside out of this kingdom, the time of his absence shall not be deemed or taken as any part of the time limited for the commencement of such action.

SECTION 7. When an action, commenced within the time prescribed by law, shall abate by reason of the death of the plaintiff, if the right of the action survive to his representatives, his executor or administrator may, within one year after such death commence a new action.

SECTION 8. Whenever the commencement of any suit shall be stayed by an injunction of any court of Equity, the time during which such injunction shall be in force shall not be deemed any portion of the time in this act limited for the commencement of such suit.

SECTION 9. When a suit shall be alledged by a plaintiff to have been



commenced within the time required by law, and such allegation shall be put in issue by the defendant, it shall be competent for the defendant to prove, on the trial, that the process issued by the plaintiff was not issued with the intent or in the manner required by law; or that any means whatever were used by the plaintiff or his attorney to prevent the service of the writ, or to keep the defendant in ignorance of the issuing thereof.

SECTION 10. Upon any such matter being established, or upon its appearance in any other way that any process was issued without any intent that it should be served, such process shall not be deemed the commencement of a suit within the meaning of any of the provisions of this act.

SECTION 11. No person shall avail himself of any disability enumerated in this act, unless such disability existed at the time his right of action accrued.

SECTION 12. Where there shall be two or more such disabilities existing at the time the right of action accrued, the limitations herein prescribed shall not attach until all such disabilities be removed.

SECTION 13. The provisions of this act shall not extend to any action which is or shall be limited by any statute to be brought within a shorter time than is herein prescribed; but such action shall be brought within the time limited by such statute.

SECTION 14. If any person who is liable to any of the actions mentioned in this act shall fraudulently conceal the cause of such action from the knowledge of the person entitled thereto, the action may be commenced at any time within six years after the person who is entitled to bring the same shall discover that he has such cause of action, and not afterward.

SECTION 15. All the provisions of this act shall apply to the case of any debt on contract, alleged by way of set-off on the part of a defendant, and the time of limitation of such debt shall be computed in like manner as if an action had been commenced therefor, at the time when the plaintiff's action commenced.

SECTION 16. Every judgment and decree in any court of record of this kingdom shall be presumed to be paid and satisfied, at the expiration of twenty years after the judgment or decree was rendered.

SECTION 17. The provisions of this act shall not apply to any actions commenced, nor to any cases where the right of action shall have accrued before the time when this act takes effect as a law; but the same shall remain subject to the laws now in force.

SECTION 18. This act shall take effect from and after the first day of August, A. D. 1853.

## AN ACT

TO REMOVE FROM THE POLICE AND DISTRICT COURTS THE JURISDICTION IN CASES OF LARCENY IN THE SECOND DEGREE.

*Approved, July 6th, 1853.*

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the third division of section 1, chapter 53 of the Penal code, be and the same is hereby amended by striking out the word "second," and hereafter no Police Magistrate or District Justice shall have jurisdiction in cases of Larceny in the second degree as described in the second division of the 15th section of the 16th chapter of the Penal Code, but such cases shall be tried by a jury.

SECTION 2. This act shall become a law in thirty days from the date of its publication in the Polynesian newspaper and Elele Hawaii.

AN ACT  
RELATING TO DESERTERS FROM VESSELS.

*Approved, July 6th, 1853.*

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. If any seaman desert from a foreign vessel the commanding officer shall within forty-eight hours thereafter inform the Harbor Master, whose duty it shall be to notify the Prefect of Police, who shall cause diligent search to be made for such deserter, for the end that he may be restored to his vessel. If the deserter be found near the harbor, where the vessel is at anchor, the Prefect shall be entitled to recover from the commanding officer, for his apprehension, six dollars; if found without the reasonable and usual precincts of the harbor, the Prefect shall be entitled to recover from the commanding officer twelve dollars, besides such necessary expenses as may have been incurred in apprehending such deserter. In case the deserting seaman shall remain in prison after his arrest, the commanding officer of the vessel from which he may have deserted, shall pay one dollar for each and every day said deserter shall remain, and in all cases when a vessel shall have left her port, and any person being arrested who deserted from the same shall remain in prison, he shall be liable to pay the same fee for his arrest as above prescribed.

SECTION 2. At those ports of entry where there is no harbor master, the notice of desertion shall be made to the Collector of Customs, who shall notify immediately the head of police, and in all cases one half of the fees for apprehending deserters shall be paid to the person or persons who apprehend them, and the other half to the highest officer of police at the port where such deserter is delivered up.

SECTION 3. This act shall take effect from and after the day of its passage, and all laws contravening this act are hereby repealed.

AN ACT  
PRESCRIBING FEES OF SEARCH FOR THE REGISTRAR OF  
CONVEYANCES.

*Approved, July 6, 1853.*

BE IT ENACTED by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:

That from and after the passage of this act the fees of the Registrar of Conveyances for searching the Records of his office and giving the certificate required by law for the same shall be, and is hereby fixed at twenty-five cents for each search, for each year searched, including the certificate before mentioned.

## AN ACT

PROVIDING THAT CERTAIN TRANSCRIPTS FROM THE DOCKETS OF COURTS OF RECORD AND OF CERTAIN OTHER COURTS SHALL BE ADMITTED AS EVIDENCE.

*Approved, July 6, 1853.*

BE IT ENACTED by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:

SECTION 1. A transcript of any of the records and judicial proceedings of any court of record, or of any judge of a court of record, at chambers, shall be admitted in evidence, upon being authenticated by the attestation of the clerk of such court with the seal of such court annexed, or of the judge at chambers before whom the proceedings were had, with the seal of his office annexed.

SECTION 2. A transcript from the docket of any police or district justice, of any judgment had before him, of the execution issued thereon, if any, and of the return to such execution, if any; when subscribed by said justice, shall be evidence to prove the facts stated in such transcript, in any other court.

SECTION 3. This act shall take effect from and after its passage.

## AN ACT

TO AMEND THE SECOND SECTION OF THE ACT TO PROVIDE FOR THE APPOINTMENT OF AGENTS TO SELL GOVERNMENT LANDS TO THE PEOPLE.

*Approved, July 6, 1853.*

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The second section of the "Act to provide for the appointment of agents to sell government lands to the people," passed on the 11th day of July 1851, shall be, and is hereby amended by striking out the first word "fifty," and inserting in its place the words "one hundred;" also by striking out the words "fifty cents," and substituting in their place the words "one eighth of a dollar."

SECTION 2. The compensation allowed said agents shall be deducted from the amount to be received for by the Minister of Finance, as per section 5, article 2, chapter 7, part I of the act to organize the executive departments.

SECTION 3. This act shall take effect from the date of its passage.

AN ACT  
TO AMEND THE LAW RELATING TO PUBLIC AUCTIONEERS.

*Approved, Nov. 2d, 1853.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled.*

That section second of the "Resolution to amend the law relating to the License of Public Auctioneers," passed June 2d 1851, shall be and is hereby amended by striking out the words "*for the Island of Maui, two hundred dollars.*"



AN ACT  
REGULATING THE DISBURSEMENT OF MONEY APPROPRIATED FOR  
THE MILITARY.

*Approved, Nov. 2nd, 1853.*

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That, from and after the date of the passage of this act, no part of any appropriation, which may be made for military purposes, shall be drawn from the Treasury, except by order of the Secretary of War, whose duty it shall be to account for the particulars of such disbursements in his yearly report to the Legislature.

AN ACT  
RELATING TO DIVORCES.

*Approved, Nov. 2d, 1853.*

Whereas the present laws relating to Divorces, owing to the different enactments on that subject, are in a state of confusion and uncertainty, which it is very desirable to remedy; and whereas the power of granting Divorces is in too many hands:

Therefore,

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:

OF DIVORCES ON THE GROUND OF THE NULLITY OF THE MARRIAGE  
CONTRACT.

Sec. 1.—The Supreme Court, any Circuit Court, or any Justice of the Supreme Court at chambers, may, by a sentence of nullity, declare void the marriage contract for either of the following causes, existing at the time of the marriage.

1. That the parties were related to each other within the fourth degree of consanguinity.

2. That the parties, or either of them, had not attained the legal age of marriage.

3. That the husband had an undivorced wife living, or the wife had an undivorced husband living or that either party being divorced, was the guilty party in such divorce, and that the former husband or wife was then living.

4. That the husband being a foreigner has failed to comply with the requirements of the law validating marriages with the female subjects of this kingdom.

5. That one of the parties was an idiot or lunatic.

6. That one of the parties was impotent or physically incapable of entering into the marriage state.

Sec. 2. A suit to annul a marriage on the ground that one of the parties was under legal age, may be brought by the parent or guardian entitled to the custody of such minor, or by any person admitted by the court to prosecute as the friend of such minor; but in no case shall such marriage be annulled on the application of a party who was of legal age at the time it was contracted, nor when it shall appear that the parties after they had attained the legal age had for any time freely cohabited as man and wife.

Sec. 3. A marriage may be declared null on the ground that one of the parties has an undivorced husband or wife living, on the application of either of the parties during the lifetime of the other, or upon the application of such former husband or wife.

Sec. 4. Every woman who shall be deceived into contracting an illegal marriage with a man having another wife living, under the belief that he was an unmarried man, shall be entitled to a just allowance for the support of herself and family out of his property, which she may obtain upon application to any Judge of a court of Record at chambers; provided, always, that such allowance shall not exceed one third of his real and personal estate.

Sec. 5. The children of such illegal marriage shall be entitled to succeed in the same manner as legitimate children, to all the real and personal estate of both parents in this Kingdom.

Sec. 6. The marriage of an idiot or insane person may be annulled on the application of the same party, or any relative of the idiot or lunatic, or on the application of any person admitted by the court to prosecute as the next friend of said idiot or lunatic, or upon the application of the lunatic himself after restoration of reason, but in such case, no sentence of nullity shall be pronounced if it shall appear that the parties freely cohabited as husband and wife after the lunatic was restored to a sound mind.

Sec. 7. Upon the annulment of a marriage on account of nonage, insanity or idiocy of either party the issue of the marriage shall be deemed to be in all respects the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

Sec. 8. Upon the annulment of a marriage that is prohibited on account of consanguinity between the parties, or for a failure upon the

part of the husband, being a foreigner, to comply with the requirements of the validating marriage with the female subjects of this Kingdom, the issue of the marriage shall be deemed to be illegitimate.

Sec. 9. A suit to annul the marriage on the ground of the physical incapacity of one of the parties at the time of marriage shall only be maintained by the injured party, against the party whose incapacity is alleged; and shall in all other cases be brought within two years from the solemnization of the marriage.

Sec. 10. No sentence of nullity of marriage shall be pronounced solely on the declarations or confessions of the parties, but the Court shall, in all cases, require other satisfactory evidence of the existence of the facts on which the allegation of nullity is founded.

#### OF DIVORCES DISSOLVING THE MARRIAGE CONTRACT.

Sec. 11. The Supreme Court, any Circuit Court, or any Justice of the Supreme Court at chambers, may dissolve the marriage contract and decree a divorce from the bond of matrimony, for the following causes :

1. Adultery by either party.
2. Wilful and continued desertion without cause for five consecutive years shall be presumptive evidence of adultery, and the Court may at its discretion grant a divorce for the same.
3. Five years absence in a foreign country and unheard of; the commission of a crime whereby either party is sentenced to imprisonment at hard labor for life, or for five years or more, which shall constitute the person strictly dead ; when application is made pending the imprisonment and before pardon granted.

Sec. 12. If the adultery, or other offense amounting to adultery, be admitted by the defendant, yet the Court before pronouncing a decree of divorce shall require other satisfactory evidence of the guilt of the accused.

Sec. 13. Although the fact of adultery or other offense amounting thereto shall be established, the Court may deny a divorce in the following cases :

1. Where the offense shall appear to have been committed by the procurement or with the connivance of the complainant.
2. Where the offense charged shall have been forgiven by the in-

jured party, and such forgiveness be shewn by express proof, or by the voluntary cohabitation of the parties, with the knowledge of the fact.

3. Where there shall have been no express forgiveness and no voluntary cohabitation of the parties, but the suit shall not have been brought within two years after the discovery by the complainant of the offense charged.

4. Where it shall be proved that the complainant has also been guilty of adultery or other offense amounting thereto, under such circumstances as would have entitled the defendant, if innocent, to a divorce.

Sec. 14. A divorce for the cause of adultery committed by the husband shall not affect the legitimacy of the issue of the marriage.

Sec. 15. A divorce for the cause of adultery committed by the wife shall not affect the legitimacy of the issue of the marriage but the legitimacy of such children, if questioned, shall be tried and determined by the Court. In every such case, the legitimacy of such children shall be presumed, until the contrary be shown.

Sec. 16. Upon granting a divorce for the adultery or other offense amounting thereto, of the husband, the Court may make such further decree or order against the defendant, compelling him to provide for the maintenance of the children of the marriage, and to provide such suitable allowance for the wife, for her support, as the court shall deem just and reasonable, having regard to the ability of the husband, the character and situation of the parties, and all other circumstances of the case.

Sec. 17. Upon annulling a marriage or decreeing a divorce, the court may make such further decree as it shall deem expedient, concerning the care, custody, education and maintenance of the minor children of the parties, and determine with which of the parents the children or any of them shall remain; and the court may, from time to time, afterwards, on the petition of either of the parties, revise and alter such decree concerning the children, and make a new decree concerning the same, as the circumstances of the parents and the benefit of the children may require.

Sec. 18. When a divorce is decreed for the adultery, or other offense amounting thereto, of the husband, and the wife shall be the owner of

real estate, or have in her possession any personal property, given to her by her husband, acquired by her own industry, given her by devise or otherwise, or to which she may be entitled by the decease of any relative, all such real estate and personal property shall be her sole and absolute property.

Sec. 19. When a divorce is decreed for the adultery or other offense amounting thereto, of the wife, the husband shall hold her personal estate forever, and he shall hold her real estate so long as they shall live; and if he shall survive her, and there shall have been issue of the marriage born alive, he shall hold her real estate for the term of his own life, as a tenant by the curtesy; provided that the court may make such reasonable provision for the divorced wife, out of any real estate that may have belonged to her, as they may deem proper.

Sec. 20. A wife divorced for adultery or other offense amounting thereto, shall not be entitled to a dower in her husband's real estate or any part thereof, nor to any share of his personal estate.

Sec. 21. Whenever the court shall make an order or decree requiring a husband to provide for the care, maintenance and education of his children, or for an allowance to his wife, the court may require him to give reasonable security for such maintenance and allowance; and upon neglect or refusal to give such security, or upon default of him and his surety to provide such maintenance and allowance, the court may sequester his personal estate, and the rents and profits of his real estate, and may appoint a receiver thereof, and cause such personal estate, and the rents and profits of such real estate, to be applied towards such maintenance and allowance as to the court shall, from time to time, seem just and reasonable.

Sec. 22. Whenever a marriage shall be dissolved for adultery, or other offense amounting thereto, the innocent party may marry again at any time, but the guilty party shall not marry again until the death of the innocent one.

Sec. 23. If any persons, after being divorced for any cause whatever, shall cohabit as husband and wife, they shall be liable to all the penalties provided by the laws against adultery.

#### SEPARATION.

Sec. 24. A separation from bed and board forever, or for a limited

time, may be decreed by the Supreme Court, any Circuit Court, or any Justice of the Supreme Court at chambers, for the following causes :

1. For excessive and habitual ill treatment of the one party by the other.

2. For habitual drunkenness by either party.

3. For the refusal or neglect of the husband to provide his wife with the necessaries of life.

Sec. 25. In any suit brought for a separation the defendant shall be permitted to prove, in his justification, the ill conduct of the complainant, and on establishing such defense, to the satisfaction of the court, the suit may be dismissed.

Sec. 26. Upon decreeing a separation, the court may make such further decree for the support and maintenance of the wife and her children, by the husband, or out of his property, as may appear just and proper.

Sec. 27. Where a decree for a separation forever, or for a limited period shall have been pronounced, it may be revoked at any time thereafter, under such regulations and restrictions as the court may impose, upon the joint application of the parties, and upon their producing satisfactory evidence of their reconciliation.

Sec. 28. This act shall take effect from the day of its passage, and Chapter ten of the old laws, entitled "Of Marriage and Divorce," Article 2, Chap. 4, Part 1., of the second act of Kamehameha III, entitled "Of Divorce and Separations," an act entitled "An act to amend the Law of Marriage and Divorce" passed on the 6th of July A. D. 1852, and all other acts relating to Divorces, shall be and the same are hereby repealed.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO THE FORT LANDS OF HONOLULU."

*Approved, Nov. 2, 1853.*

BE IT ENACTED, *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

Sec. 1. By this act the Minister of the Interior is prohibited from selling the water ponds in certain of the Fort Lands about Honolulu, that is to say, the pond of Kunawai, in the ili of Kunawai, and the ponds of Kumuhahane and Kaluapalolo in the ili of Alewa, in Honolulu, Kona, Oahu, and other water ponds that may hereafter be discovered, which are ponds for the good of the public, and which shall be in the charge of the Minister of the Interior.

Sec. 2. The Minister of the Interior shall have power to commute such of the aforesaid Fort lands as he may deem it proper, for any lands that have been or may be taken by the government for the purpose of constructing new streets in Honolulu, Island of Oahu.

Sec. 3. This act shall become a law on the day its passage, and all laws and parts of laws in contravention of this are hereby repealed.



## JOINT RESOLUTION.

*Approved, April 18th, 1853.*

BE IT RESOLVED, *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That His Majesty's Minister of Finance shall set apart in the Treasury the sum of eight thousand dollars for the use of both Houses of the Legislature, without waiting for the passage of an Appropriation Bill.

SECTION 2. The House of Nobles and the House of Representatives may draw from time to time upon His Majesty's Minister of Finance what they may deem necessary for their use, out of the sum above stated.

JOINT RESOLUTION  
FOR THE RELIEF OF W. C. PARKE.

*Approved, May 25th, 1853.*

Whereas, in enforcing the quarantine of the ship Charles Mallory and her passengers, in accordance with the instructions of His Majesty's Privy Council, Mr. W. C. Parke, the Marshal of the Kingdom, has incurred heavy expense, to meet which no appropriation has been made:

Therefore:

*Be it enacted by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That the Minister of Finance be, and he hereby is empowered and instructed, to pay out of any monies that may be in the Treasury, to the order of W. C. Parke, the sum of one thousand five hundred dollars.

## JOINT RESOLUTION.

*Approved, Nov. 2d, 1853.*

**BE IT RESOLVED** *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That, the Secretary at War shall be, and is hereby authorised to dispose, in such manner as he may judge most profitable, of all cannon and other arms as may be superfluous, or unfit for service, and to apply the proceeds thereof to the repair and purchase of such cannon, arms and accoutrements, as may be needed, accounting in his annual reports to the Legislature, for his proceedings in this matter.

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AN ACT  
RELATING TO THE PUBLIC HEALTH.

*Approved, May 16th, 1853.*

WHEREAS, The Small-Pox is believed to exist in this Kingdom, and humanity and a just regard to life require that all who are affected with that disease should receive strict care and attention, and whereas it is desirable that the disease shall not extend through the Islands :

BE IT ENACTED, *By the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That there shall be appointed by the King, with the assent of the Privy Council, a Commission consisting of three persons who shall act without pecuniary reward, "upon whom shall devolve all the powers and duties intended and expressed in the Act of 8th May, 1851, entitled a law establishing a Board of health with power to extend the same to all parts of this Kingdom, in person or through their agents," and who are hereby authorized and empowered to provide for all persons, sick with the small-pox, suitable medical attendance, food, lodgings and clothes, at the expense of the Hawaiian Government, and to make and publish such regulations for the public health as they may think wise and expedient, and enforce them by fines or otherwise through the Courts.

SECTION 2. For the purpose of carrying into effect the foregoing section a majority of the Commission thereby constituted are hereby authorized and empowered to draw from the Public Treasury such funds as may be necessary ; and the Minister of Finance is hereby authorized and empowered to pay their drafts out of any monies belonging to the Government, provided their draft is accompanied with an account current showing the objects for which the money has been used and satisfactory vouchers.

SECTION 3. In case any monies are expended to provide for the

sick brought to this Kingdom in vessels from abroad, it shall be the duty of the Commission hereby constituted to demand the same of the Captain of the vessel bringing sick persons into the Kingdom, and unless the same is paid upon request, the Collector of Customs shall not grant a clearance to such vessel until the same is paid, and the master shall be liable therefor, and may be sued for the same in the Courts of this Kingdom.

SECTION 4. This law shall take effect upon its passage and shall continue in force until the passage of a new law relating to the public Health, and all laws or parts of laws inconsistent herewith are hereby repealed.